(1)

(7)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P.No.3796 **Of 2006**

PETITIONER: Smt. Juoti W/o Sohan Jangdey (Jaswani), aged about 32 yrs, Occupation Service Shiksha Karmi Grade-2 Presently posted at Government Middle School Village Balpur, Janpad Panchayat Bilaigarh Distt Raipur (C.G).

P.R. No. 3851/06
Presented by Shri B.N. Mandle
dated 22/12/06

VERSUS

RESPONDENTS: 1 Sate of Chhattisgarh Through Secretary Panchayat & Social Welfare Department, D.K.S Bhavan Mantralay , Raipur (C.G).

2. Zila Panchayat Raipur Through Chief Executive Officer Zila Panchayat Raipur (C.G).

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3. Chief Executive Officer Zila Panchayat Raipur (C.G).

4. Janpad Panchayat Bilaigarh Through Chief Executive Officer

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Janpad Panchayat Bilaigarh Distt. Raipur (C.G)

5. Chief Executive Officer Janpad Panchayat Bilaigarh Distt. Raipur (C.G)

6. District Education Officer, Raipur (C.G)

7. Block Education Officer Bilaigarh Distt. Raipur (C.G)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WPS/3496 **सन् 2006**

(66)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	3.8.2006:- Shri S.N. Nande, counsel for the petitioner. Shri Vinay Pandey, Panel Lawyer for respondents No.1, 6 and 7, on advance copy. Heard both the counsel. By the instant petition, the petitioner has challenged the order dated 3-7-2006 whereby the promotion order of the petitioner has been recalled. Rule 12 of the Chhattisgarh Panchayat Shiksha Karmis (Recruitment and Conditions of Service) Rules, 1997 (for short 'the Rules, 1997) provides for an appeal against the order passed under these rules which envisages that appeal against the order passed under these rules may be made as per provisions of the Adhiniyam. Rule 8 is pertaining to promotion to be made through Departmental Promotion Committee. In the present case, the petitioner was promoted from the post of Shiksha Karmi Grade-III to Grade-II vide order dated 23-5-2006, Annexure-P/2. After promotion, certain representations and complaints were made against the promotion that certain teachers who have come on transfer from other Districts and Janpad Panchayats have been promoted on the basis of their original seniority whereas, they ought to have been considered treating them at the bottom on the post of Shiksha Karmi Grade-III, when they joined at the transferred place, after examining the complaints and representations, the Executive Officer, District Panchayat, Raipur passed the impugned order. As under Rule 12 the said order can be challenged before the appellate authority, therefore, the petitioner ought to have, instead of coming directly to this Court, preferred an appeal before the appropriate authority under Rule 12,	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	as such, on this ground, I am of the considered opinion that this petition is not maintainable and the same is dismissed. The petitioner to approach the appellate authority as per Rule 12 of the Rules, 1997 and the time spent by the petitioner in filing this writ petition shall be condoned by the appellate authority while entertaining the appeal filed by the petitioner. Consequently, M.(W.)P. No.2956/2006 also stands disposed of. Sd/- L.C. Bhadoo Judge	

P.T.O.